

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Free-Flow Packaging International, Incorporated
Mailing Address: ATTN: Ronald Clazie
1090 Mills Way
Redwood City, CA 94063-3120

Source Name: Free-Flow Packaging International, Incorporated
Mailing Address: 500 Krustez Way
Hopkinsville, Kentucky 42240

Source Location: 500 Krustez Way
Hopkinsville, Kentucky

Permit Type: Federally-Enforceable
Review Type: NSR, Title V, Synthetic Minor

Permit Number: V-99-012
Log Number: G041
Application
Complete Date: 3-15-1999

KYEIS ID #: 072-0700-0099
AFS Plant ID #: 21-047-00099
SIC Code: 3086

Region: Paducah/Cairo
County: Christian

Issuance Date:
Revision Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on September 3, 1998, the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and shall become the final permit unless the U.S. EPA files an objection pursuant to Regulation 401 KAR 50:035, Section 21(3).

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (P-1) Foam Extrusion Line

- Expected Construction Date: June, 1999

Description:

- Polyethylene foam sheet extruder
- Raw Material: Polyethylene, Isobutane, Ethane, Glycerol Monostearate
- Slit Tube and Winder

02 (P-2) Foam Reprocessing

- Expected Construction Date: June, 1999

Description:

- Polyethylene scrap Reprocessing Equipment
- Raw Material: Polyethylene Foam

03 (W-1) Foam Warehouse

- Expected Construction Date: June, 1999

Description:

- Storage of Polyethylene Foam sheets

APPLICABLE REGULATIONS: None

1. Operating Limitations:

None

2. Emission Limitations:

Total emissions of volatile organic compounds (VOC's) from all the emission points shall not exceed 245 tons per year to preclude applicability of the Regulation 401 KAR 51:017, Prevention of Significant Deterioration .

Compliance Demonstration Method:

Monthly records of Isobutane throughput shall be kept available at the plant. These records shall be used to calculate the monthly and yearly VOC emissions as below:

To calculate the emissions of VOC's from foam extrusion line (Em. Pt 01) the following procedure shall be followed:

An initial emission factor of 0.51 lb Isobutane / lb of Isobutane used shall be used to calculate VOC emissions until a source specific emission factor is approved by the Division. After the source specific emission factor is approved it will be in the Kentucky Emissions Inventory System and shall be used to calculate VOC emissions.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Monthly emissions shall be calculated and be kept available at plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = [Monthly Isobutane throughput rate x Emission factor listed in Kentucky Emissions Inventory]

To calculate the emissions from Reprocessing (Em.Pt 02) the following procedure shall be followed:

Monthly emissions shall be calculated and be kept available at plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = [1 - emission factor for emission point 01] X Monthly Isobutane throughput X Percentage (by weight) of scrap material X Emission factor listed in Kentucky Emissions Inventory

(100% of Isobutane in the Scrap material is assumed to be emitted)

To calculate the emissions of VOC's from warehouse storage (Em.Pt 03) the following procedure shall be followed:

An initial emission factor of 0.10 lb Isobutane / lb of residual Isobutane present in the stored final product shall be used to calculate VOC emissions until a source specific emission factor is approved by the Division. The residual Isobutane in the rolled foam sheets used shall be 0.49 lb Isobutane/ total Isobutane, until the source specific emission factor is calculated as described for Emission Point 01. After the source specific emission factor is approved it will be in the Kentucky Emissions Inventory System and shall be used to calculate VOC emissions.

Monthly emissions shall be calculated and be kept available at plant, and shall be used to calculate the annual emission rate.

Monthly VOC Emission Rate = [1 - emission factor for emission point 01] X Monthly Isobutane throughput X Percentage (by weight) of good polyethylene sheets X Emission factor for emission point 03 listed in Kentucky Emissions Inventory

To Calculate the total VOC emissions from the plant the following procedure shall be followed:

Total Monthly VOC Emission Rate = VOC Emissions from Extrusion (Pt 01) + VOC Emissions from Reprocessing (Pt 02) + VOC emissions from Warehouse Storage (Pt 03)

Yearly VOC Emission Rate = 12 month rolling total of monthly emissions

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**3. Testing Requirements:****Foam Extrusion:**

A source specific VOC emission factor shall be established by testing the Isobutane content in the polyethylene foam sheets after the production line where the sheets are wound. Mass Balance and testing shall be used to calculate the percentage of Isobutane in the polyethylene foam sheets and the emissions to the air. A minimum of three samples shall be analyzed for each product thickness to be manufactured at the facility. A testing protocol to establish a representative source specific emission factor (Isobutane emissions) shall be submitted within three months of the start up of the equipment and be approved by the Division. The test results shall be submitted to the Division within 6 months of the start up of the equipment. The Division reserves the right to require additional testing. Also see Section G(d)(6). Any consecutive 12-month period during which source wide emissions of VOC exceed 225 tons, testing has to be done to reverify the emission factor within sixty (60) days of exceeding 225 TPY. The test results shall be submitted to the Division within ninety (90) days of exceeding 225 TPY. Testing shall be done to reverify the emission factor after every 12 month period starting the date of exceeding 225 TPY. However, annual testing to reverify the emission factor is not necessary if the twelve month rolling total for the next twelve months after the date of exceeding 225 TPY stays below 225 TPY.

Warehouse Storage:

A source specific VOC emission factor shall be established by conducting analysis to measure the residual Isobutane contained in polyethylene foam sheets manufactured after 3, 5 and 7 days of storage in warehouse. A minimum of three samples shall be analyzed for each product thickness to be manufactured at the facility. Mass Balance and testing shall be used to calculate the percentage of Isobutane in the polyethylene foam sheets and emissions of Isobutane. A testing protocol to establish a representative source specific emission factor (Isobutane emissions) shall be submitted within three months of the start up of the equipment and be approved by the Division. The test results shall be submitted to the Division within 6 months of the start up of the equipment. The Division reserves the right to require additional testing. Also see Section G(d)(6). Any consecutive 12-month period during which source wide emissions of VOC exceed 225 tons, testing has to be done to reverify the emission factor within sixty (60) days of exceeding 225 TPY. The test results shall be submitted to the Division within ninety (90) days of exceeding 225 TPY. Testing shall be done to reverify the emission factor after every 12 month period starting the date of exceeding 225 TPY. However, annual testing to reverify the emission factor is not necessary if the twelve month rolling total for the next twelve months after the date of exceeding 225 TPY stays below 225 TPY.

4. Specific Monitoring Requirements:

1. The total monthly amounts in pounds of good and scrap polyethylene sheets produced shall be recorded. This information shall be used in emissions calculation from the warehouse and

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

reprocessing.

2. The total monthly throughput of Isobutane used at the plant shall be recorded.

5. Specific Record keeping Requirements:

1. The permittee shall compile monthly records of the total VOC emissions at the plant. Compliance with the annual emission limit shall be determined as a 12-month rolling total.
2. See the Monitoring Requirements above.

6. Specific Reporting Requirements:

1. The monthly VOC emissions summary reports from the entire plant shall be submitted to the Paducah regional office on quarterly basis. The quarterly reports shall be submitted within 30 days after end of each quarter. If the VOC emissions exceed 225 TPY in any consecutive 12-month period, then the monthly VOC emissions summary reports from the entire plant shall be submitted to the Paducah regional office on monthly basis. The monthly reports shall be submitted within 15 days after end of each month. The monthly reporting requirement will revert back to quarterly if the twelve month rolling total for the next twelve months after the date Any consecutive 12-month period during which source wide emissions of VOC exceed 225 tons, testing has to be done to reverify the emission factor within sixty (60) days of exceeding 225 TPY. The test results shall be submitted to the Division within ninety (90) days of exceeding 225 TPY. Testing shall be done to reverify the emission factor after every 12 month period starting the date of exceeding 225 TPY. However, annual testing to reverify the emission factor is not necessary if the twelve month rolling total for the next twelve months after the date of exceeding 225 TPY stays below 225 TPY and Vice Versa.
2. Any consecutive 12-month period during which emissions of VOC exceed 225 tons shall be reported to the Paducah regional office. The report shall consist of the following information:
 - i. The 12-month period during which emissions exceeded 225 TPY.
 - ii. Calculations documenting the actual emissions during this 12-month period.
 - iii. The proposed testing dates for reverifying the VOC emission factor from Foam processing and Warehouse storage. See the 3. Testing Requirements above.
3. Any consecutive 12-month period during which emissions of VOC exceed 245 tons shall be reported to the Paducah regional office. The report shall consist of the following information:
 - I. The 12-month period during which emissions exceeded 245 TPY.
 - ii. Calculations documenting the actual emissions during this 12-month period.

7. Specific Control Equipment Operating Conditions: None**8. State-Origin Requirements: None**

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. T-1, 12,000 gal Isobutane Tank (Pressurized Tank)	None
2. Parking Lot Sweeping	401 KAR 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Pursuant to Regulations 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division. If different testing methods are proposed from above mentioned regulation or if there is no suitable reference method for the measurement of VOC, a testing protocol shall be submitted by the source one (1) month in advance, and be approved by the Division. See individual emission points for specific testing requirements.
2. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months. See compliance demonstration methods for individual emission points.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - I. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - I. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - I. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Paducah regional office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Paducah regional office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Paducah regional office.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) to the Division for Air Quality's Paducah regional office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
 - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Paducah Regional Office
4500 Clarks River Road
Paducah, Kentucky 42003

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

SECTION G - GENERAL CONDITIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
- 10 Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
- 11 This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
- 12 Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
- 13 Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035 , Permits, Section 7(2)(b)5]
- 14 Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
- 15 Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.

SECTION G - GENERAL CONDITIONS (CONTINUED)**(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 50:035, Permits, Section 12]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction, and within fifteen (15) days following start-up, and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Paducah regional office in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.

SECTION G - GENERAL CONDITIONS (CONTINUED)

3. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or if construction is not completed within eighteen (18) months of the scheduled completion date, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the Division upon a satisfactory request showing that an extension is justified.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a compliance demonstration on the affected facilities in accordance with Regulation 401 KAR 50:055, General compliance requirements.
6. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test/test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,

SECTION G - GENERAL CONDITIONS (CONTINUED)

1. d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
 - a. Submit a Risk Management Plan to U.S.EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S.EPA.
 - b. Submit additional relevant information if requested by the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the record keeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

SECTION G - GENERAL CONDITIONS (CONTINUED)

2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None